

**S/N 09/689,842**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Arthur R. Halbritter et al.	Examiner: Michelle Linh-Giang Le
Serial No.:	09/689,842	Group Art Unit: 3626
Filed:	October 13, 2000	Docket: 100.020US1
Title:	SYSTEM, METHOD, AND ARTICLE OF MANUFACTURE FOR LOCATING AND COMMUNICATING WITH A PATRON AT A HOSPITALITY FACILITY	

---

**Response to Notice of Non-Compliant Appeal Brief**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

Applicant has reviewed the Notice of Non-Compliant Appeal Brief (“Notice”) mailed on August 8, 2008. The Notice asserts that Appellant’s Appeal Brief does not identify the appealed claims as required by 37 CFR 41.37(c)(1)(iii). In response, Applicant has included herewith a replacement Appeal Brief that identifies the appealed claims.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a 1-month extension of the period for responding to the Notice, thereby moving the deadline for response from September 8, 2008 to October 8, 2008.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3998

Respectfully submitted,

ARTHUR R. HALBRITTER ET AL.

By their Representatives,

DELIZIO GILLIAM, PLLC  
15201 Mason Road  
Suite 1000-312  
Cypress, TX 77433  
281-758-0025

Date 9/10/2008

By /Andrew DeLizio Reg # 52806/  
Andrew DeLizio  
Reg. No. 52,806

Date of Deposit: September 10, 2008

This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**S/N 09/689,842**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Arthur R. Halbritter, et al.	Examiner: Michelle Linh-Giang Le
Serial No.:	09/689,842	Group Art Unit: 3626
Filed:	Oct 13, 2000	Docket No.: 100.020US1
Assignee:	Oneida Indian Nation	
Title:	SYSTEM, METHOD, AND ARTICLE OF MANUFACTURE FOR LOCATING AND COMMUNICATING WITH A PATRON AT A HOSPITALITY FACILITY	

---

**APPELLANT'S BRIEF ON APPEAL**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Washington, D.C. 2023 1

This brief is presented in support of the Notice of Appeal filed on Feb 21, 2008, appealing from the final rejection of pending claims 1-16, 30-45, 54-57 and 71-78 of the above-identified patent application. The Office Action from which Appellant appeals was mailed 10/18/2007.

Please charge any required additional fees or credit overpayment to Deposit Account No. 50-3998.

Appellant respectfully requests reversal of the Examiner's rejection of pending claims 1-16, 30-45, 54-57 and 71-78.

**APPELLANT’S BRIEF ON APPEAL**

Serial Number: 09/689,842

Filing Date: Oct 13, 2000

Title: SYSTEM, METHOD, AND ARTICLE OF MANUFACTURE FOR LOCATING AND COMMUNICATING WITH A PATRON AT A HOSPITALITY FACILITY

Assignee: Oneida Indian Nation

**Page ii**

Dkt: 100.020US1

---

**APPELLANT’S BRIEF ON APPEAL**

**TABLE OF CONTENTS**

<b>1. REAL PARTY IN INTEREST .....</b>	<b>1</b>
<b>2. RELATED APPEALS AND INTERFERENCES.....</b>	<b>1</b>
<b>3. STATUS OF THE CLAIMS.....</b>	<b>1</b>
<b>4. STATUS OF THE AMENDMENTS.....</b>	<b>1</b>
<b>5. SUMMARY OF THE CLAIMED SUBJECT MATTER.....</b>	<b>2</b>
<b>6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.....</b>	<b>4</b>
<b>7. ARGUMENT .....</b>	<b>5</b>
1) THE APPLICABLE LAW .....	5
2) DISCUSSION OF THE REJECTION OF CLAIMS.....	6
<b>8. CONCLUSION .....</b>	<b>14</b>
<b>CLAIMS APPENDIX: THE CLAIMS ON APPEAL .....</b>	<b>16</b>
<b>EVIDENCE APPENDIX.....</b>	<b>24</b>
<b>RELATED PROCEEDINGS APPENDIX .....</b>	<b>25</b>

**PATENT**

### **1. REAL PARTY IN INTEREST**

The real party in interest of the above-captioned patent application is the assignee, Oneida Indian Nation.

### **2. RELATED APPEALS AND INTERFERENCES**

Appellant knows of no other appeals or interferences which will have a bearing on the Board's decision in the present appeal.

### **3. STATUS OF THE CLAIMS**

No claims are allowed. Claims 1-16, 30-45, 54-57 and 71-78 have been twice rejected. Claims 17-29, 46-53, and 58-70 have been cancelled. Claims 1-16, 30-45, 54-57 and 71-78 are pending, and are the subject of the present appeal.

### **4. STATUS OF THE AMENDMENTS**

Claims 1-16, 30-45, 54-57 and 71-78 received a final rejection on 10/18/2007.

No further amendments were made. A Notice of Appeal was filed on Feb 21, 2008.

## **5. SUMMARY OF THE CLAIMED SUBJECT MATTER**

This summary is presented in compliance with the requirements of Title 37 C.F.R. § 41.37(c)(1)(v), mandating a “concise explanation of the subject matter defined in each of the independent claims involved in the appeal ...” Nothing contained in this summary is intended to change the specific language of the claims described, nor is the language of this summary to be construed so as to limit the scope of the claims in any way.

### **Claim 1**

Claim 1 is supported in Figure 5 and in the specification *inter alia* at page 19, lines 11-14 and page 25, lines 4-12 and lines 19-21.

The specification indicates that in some embodiments, a technique for locating patrons can include receiving, from one of the plurality of client terminals, a patron identifier identifying a particular patron and a location identifier identifying a location in the hospitality facility; and storing, by the server, the location identifier in an account corresponding to the particular patron identified by the patron identifier.

Figure 5 is a flowchart illustrating a technique for locating patrons. The specification as well as Figure 5 indicate that the technique can include receiving, from another of the plurality of client terminals, a request for the location of the particular patron; retrieving, by the server, from the account corresponding to the particular patron, the location identifier for the particular patron; and sending a message based on the location identifier for the particular patron.

### **Claim 30**

Claim 30 is supported in Figure 5 and in the specification *inter alia* at page 25, lines 2-5 and lines 17-22.

Figure 5 is a flowchart illustrating a technique for locating patrons. The specification as well as Figure 5 indicate that the technique can include requesting, by a client terminal, a list of patrons at the hospitality facility; receiving, from the server, the list of patrons; displaying the list

of patrons; receiving, from the client terminal, a selection indicating at least one patron from the list of patrons; requesting, from the server, location information for the at least one patron, wherein the location information is stored, by the server, in an account associated with the at least one patron; and receiving, from the server, location information for the at least one patron.

**Claim 36**

Claim 36 is supported in Figure 5 and in the specification *inter alia* at page 25, lines 2-5 and 17-22, at page 26, lines 17-19, and at page 32, lines 13-15.

Figure 5 is a flowchart illustrating a technique for locating patrons. The specification as well as Figure 5 indicate that a computer readable medium can contain instructions for causing a computer to perform operations for locating a patron at a hospitality facility including a server and a plurality of client terminals, the instructions can include instructions for receiving, from a client terminal, a request for the location of a particular patron; instructions for retrieving, by the server, from an account corresponding to the particular patron, the location identifier for the particular patron; and instructions for sending a message based on the location identifier for the particular patron.

**Claim 54**

Claim 54 is supported in Figure 5 and in the specification *inter alia* at page 25, lines 2-5 and lines 17-22, and at page 32, lines 13-15.

Figure 5 is a flowchart illustrating a technique for locating patrons. The specification in combination with Figure 5 indicate that a computer readable medium can contain instructions for causing a computer to perform operations for locating a patron at a hospitality facility including a server and a plurality of client terminals, the instructions can include instructions for requesting, by a client terminal, a list of patrons at the hospitality facility; instructions for receiving, from the server, the list of patrons; instructions for displaying the list of patrons;

instructions for receiving, from the client terminal, a selection indicating at least one patron from the list of patrons; instructions for requesting, from the server, location information for the at least one patron, wherein the location information is stored, by the server, in an account associated with the at least one patron; and instructions for receiving, from the server, location information for the at least one patron.

**Claim 71**

Claim 71 is supported in Figures 1, 2, and 3, and in the specification *inter alia* at page 16, lines 6-9 and page 18, lines 9 and 10.

In Figures 1, 2 and 3, a system for locating and communicating with a patron at a hospitality facility is illustrated that shows a plurality of client terminals, each client terminal including an input device for receiving a request for the location of a particular patron, and a first network interface for sending the request; and a server, connected to each of the plurality of client terminals, and including a second network interface for receiving the request, a controller for processing the request, and a database server for retrieving, from an account corresponding to the particular patron, a location identifier for the particular patron; wherein the second network interface sends a message based on the location identifier for the particular patron.

**6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The grounds of rejection to be reviewed on appeal are whether claims 1-16, 30-45, 54-57 and 71-78 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Lans<sup>1</sup> in view of Chuang.<sup>2</sup>

---

<sup>1</sup> US Patent 5,506,587 to Hakan Lans; herein referred to as Lans.

<sup>2</sup> US Patent 5,987,421 to Cliff L. Chaung; herein referred to as Chaung.

---

## 7. ARGUMENT

### §103 Rejection of the Claims

Claims 1-16, 30-45, 54-57 and 71-78 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lans in view of Chuang. Appellant respectfully traverses this rejection because the Examiner has not made a *prima facie* case of obviousness.

### The Applicable Law

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d (BNA) 1596, 1598 (Fed. Cir. 1988). As discussed in *KSR International Co. v. Teleflex Inc. et al.* (U.S. 2007), the determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. See *Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 7, 1336-37 (Fed. Cir. 2005). The legal conclusion, that a claim is obvious within § 103(a), depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17 (1966): (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

Therefore, the test for obviousness under §103 must take into consideration the invention as a whole; that is, one must consider the particular problem solved by the combination of elements that define the invention. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir.1985). The Examiner must, as one of the inquiries pertinent to any obviousness inquiry under 35 U.S.C. §103, recognize and consider not only the similarities but also the critical differences between the claimed invention and the prior art. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), reh'g denied, 1990 U.S. App. LEXIS

19971 (Fed. Cir.1990). Additionally, critical differences in the prior art must be recognized (when attempting to combine references). *Id.*

Furthermore, when determining obviousness, the Examiner:

must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. Knowledge of appellant's disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the "differences," conduct the search and evaluate the "subject matter as a whole" of the invention. The tendency to resort to "hindsight" based upon appellant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

*M.P.E.P.* § 2141.03.

Additionally, "[w]hen the prior art teaches away from combining certain known elements, discovery of successful means of combining them is more likely to be nonobvious." *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1395. Also, if an Examiner proposes modifying a reference, the proposed modification cannot render the prior art unsatisfactory for its intended purpose. See MPEP §2141.03. "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) Also, see MPEP §2141.03.

### **Discussion of the rejected claims**

#### *Discussion of Claims 1-8 & 11-16*

The Examiner rejected claim 1 based on Lans in view of Chaung. Applicant submits the Examiner's rejection does not establish a *prima facie* case of obviousness for four reasons: 1) Lans and Chaung do not teach or suggest all the elements of claim 1; 2) Lans itself teaches away from the Examiner's method for modifying Lans as per Chaung; 3) Modifying Lans by the

Examiner's reasoning would render Lans unfit for its intended purpose; and 4) the Examiner uses impermissible hindsight in combining Lans and Chaung.

Claim 1 recites:

A method for locating a patron at a hospitality facility including a server and a plurality of client terminals, the method comprising:  
receiving, from one of the plurality of client terminals, a patron identifier identifying a particular patron and a location identifier identifying a location in the hospitality facility;  
storing, by the server, the location identifier in an account corresponding to the particular patron identified by the patron identifier;  
receiving, from another of the plurality of client terminals, a request for the location of the particular patron;  
retrieving, by the server, from the account corresponding to the particular patron, the location identifier for the particular patron; and  
sending a message based on the location identifier for the particular patron.

In rejecting claim 1, the Examiner relies on Lans' passage at column 8, lines 26-45 as teaching claim 1's "receiving, from one of the plurality of client terminals, a patron identifier identifying a particular patron and a location identifier identifying a location in the hospitality facility." However, the cited passage does not disclose or suggest any such receiving of a patron identifier. Instead, the Lans passage describes a unit for tracing traffic using GPS and universal time (UTC) signals.<sup>3</sup> The Examiner does not identify any passage from Chuang that provides what Lans is lacking. Thus, Applicant submits Lans and Chuang do not teach or suggest all elements of claim 1.

The discussion will now show how Lans teaches away from Chaung and the Examiner's proposed modifications to Lans. Lans teaches a system for tracking locations of movable objects, such as airplanes, boats, trains, etc. Lans primarily describes how its movable "stations" can be deployed in aircraft for assisting pilots in monitoring air traffic.<sup>4</sup> Each station determines its own position using GPS<sup>5</sup> (global positioning system) and broadcasts its position

<sup>3</sup> See Lans at column 8, lines 26-45.

<sup>4</sup> Lans at column 8, lines 27 *et seq.* and Figure 1.

<sup>5</sup> The movable stations may use GPS alternatives, such as GLONASS. See *Id.* at column 1, lines 20-25.

and identity over a radio channel.<sup>6</sup> Each station receives the broadcasts of other stations and stores the other station's positions and identities.<sup>7</sup> Thus, each station tracks the identity and position of other stations. Each station also shows the positions of other stations superimposed on a map,<sup>8</sup> and monitors the positions to warn pilots about potential collisions.<sup>9</sup>

In rejecting claim 1, the Examiner admits that Lans does not teach claim 1's:

receiving, from another of the plurality of client terminals, a request for the location of the particular patron.

The Examiner tries to fill this void by asserting that one of ordinary skill would modify Lans' stations based on Chuang. Chaung describes a system that enables guests to find each other in an amusement park.<sup>10</sup> Chaung's system includes wireless devices and beacons.<sup>11</sup> If a guest wants to find a friend in a park, the guest uses his wireless device to ask the system to locate the friend's wireless device.<sup>12</sup> The system uses the beacons to detect signals emanating from the friend's device and relays the friend's device location back to the guest.

Applicant submits that Lans explicitly teaches away from Chaung.<sup>13</sup> Lans indicates that one object of the invention is to increase airspace capacity by avoiding the necessity of the beacon infrastructure. In particular, Lans states:

A further object for aviation purposes is to create a better possibility of distributing aircraft, in order to increase the airspace capacity, by avoiding the necessity of the beacon infrastructure through a distributed localization, each aircraft having its own means enabling it to follow any predetermined corridor or route, which does not have to be materialized by common landbased hardware. Particularly where beacon systems have not yet been installed, great savings are possible in this respect. Further, when routes may be defined which do not depend on a beacon system, the number of routes may be increased practically at

<sup>6</sup> See Lans at column 4, lines 7-34.

<sup>7</sup> See Lans at column 4, lines 17-18 and column 9, lines 15-25.

<sup>8</sup> See Lans. at column 4, lines 35-37 and column 7, lines 28-31.

<sup>9</sup> See Lans. at column 4, lines 37-40.

<sup>10</sup> See Chaung at Abstract.

<sup>11</sup> See Chaung at column 11, lines 47-66.

<sup>12</sup> *Id.*

<sup>13</sup> MPEP §2145 states, "It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)."

---

will, and it is possible to avoid present congestion at least outside the neighbourhood of airports.<sup>14</sup>

Given Lans' statements about beacons, one or ordinary skill in the art would not look to combine Lans' beaconless system with Chaung's system that relies on beacons.

Appellant submits there are additional reasons Lans teaches away from modifying Lans. As noted above, the Examiner asserts that one would modify Lans to include claim 1's "receiving, from another of the plurality of client terminals, a request for the location of the particular patron." However, according to Lans, there is no need for stations to receive location requests from other stations, as each station broadcasts its location information to all other stations. Also, because Lans' stations each store a list enumerating the locations of all other stations,<sup>15</sup> each station is designed to look in its own memory for the location of other stations.<sup>16</sup>

Therefore, Lans teaches away from modifying stations to receive location requests. Because Lans teaches away from Chaung, Applicant submits the combination of Lans and Chaung is improper.

Appellant further submits that modifying Lans per the Examiner's reasoning would render Lans' system unfit for its intended purpose. According to Lans, "one advantageous feature" is that Lans' stations can detect potential aircraft collisions.<sup>17</sup> As noted above, each station stores the location and identify of all other stations. If a first station (e.g., an airplane) is too close to a second station, the first station notifies the second station. If, as the Examiner suggests, Lans' stations were modified to receive requests for location information from other stations, Lans' stations would have difficulty preventing collisions. If modified, each station would have to request location information from all known stations, instead of receiving the location information over a broadcast channel. If a station were unaware of other stations, the

---

<sup>14</sup> Lans at column 3, lines 49-55.

<sup>15</sup> See Lans at column 4, lines 17-18 and column 9, lines 15-25.

<sup>16</sup> See Lans at column 4, lines 17-18 and column 9, lines 15-25.

<sup>17</sup> See Lans at column 4, lines 37-38.

station would not request locations from the unknown stations, creating a collision risk. As such, the Examiner's reason for modifying Lans would eliminate one of its key features.

Furthermore, in rejecting claim 1, the Examiner states:

It would have been obvious to add these features to the Lans teaching with the motivation of allowing park visitors to search for the location, distance and direction of other group members within a hospitality facility.<sup>18</sup>

The Examiner's motivation for modifying Lans is illogical. If one of ordinary skill wanted "a system that allowed park visitors to search for the location, distance and direction of other group members," one need not modify Lans. Instead, one could use Chaung without modification. The Examiner even points-out that Chaung's abstract describes such a system.<sup>19</sup> As a result, Appellant submits the Examiner used impermissible hindsight and Appellants own specification to contrive a motivation for modifying Lans in view of Chaung.

Claims 2-8 & 11-16 depend (directly or indirectly) on claim 1. Appellant submits claims 2-8 & 11-16 are allowable for the reasons noted above.

#### *Discussion of Claims 9 & 10*

Claim 9 recites, "[t]he method of claim 1, further comprising: receiving from a client terminal a request for an address book; and sending the address book to the client terminal." In rejecting claim 9, the Examiner admits that Chaung does not teach claim 9's elements. The Examiner asserts that "one of ordinary skill in the art would find these features to be an obvious variation of what Chaung teaches with the motivation of providing visitors with the ability of finding out the exact location, distance and direction of another member of the same group."<sup>20</sup> Chaung's system asserts that its needs no modification to determine location, distance, and direction within a park. Thus, the Examiner's reasoning is contrived and would not motivate one of ordinary skill to modify Lans and Chaung to use address books.

---

<sup>18</sup> Final Office Action at page 3.

<sup>19</sup> See Final Office Action at page 3.

Claim 10 also recites use of an "address book". Applicant submits claim 10 is patentable for the same reasons discussed vis-à-vis claim 9.

The Examiner rejected claims 30-45, 54-57, and 71-78 for the same reasons as claims 1-16. Therefore, Appellant submits these claims are allowable for the reasons given above. Reversal of the Examiner's rejection of claims 30-45, 54-57, and 71-78 is hereby requested.

*Discussion of Claims 30-35 & 54-57*

Claim 30 recites a method comprising:

- requesting, by a client terminal, a list of patrons at the hospitality facility;
- receiving, from the server, the list of patrons;
- displaying the list of patrons;
- receiving, from the client terminal, a selection indicating at least one patron from the list of patrons;
- requesting, from the server, location information for the at least one patron, wherein the location information is stored, by the server, in an account associated with the at least one patron; and
- receiving, from the server, location information for the at least one patron.

In rejecting claim 30, the Examiner asserts claim 30 repeats the elements of claims 1-16.<sup>21</sup> However Applicant disagrees, as claim 30 recites elements different from claim 1. Furthermore, the Office Action does not identify a single passage in Lans and Chaung that teaches or suggests *inter alia* claim 30's requesting and receiving a list of patrons from a server, and claim 30's storage of location information by a server in an account associated with a patron. Thus, Applicant requests reversal of the Examiner's rejection.

Applicant submits that claims 31-35 depend on claim 30 and are patentable for the same reasons as claim 30. Furthermore, Application submits that claims 54-57 are patentable for the same reasons as claim 30.

<sup>20</sup> Final Office Action at page 5, paragraph 10.

<sup>21</sup> See Final Office Action at page 6, paragraph 12.

---

*Discussion of Claims 36-40 & 43-45*

Claim 36 recites:

A computer-readable medium containing instructions for causing a computer to perform operations for locating a patron at a hospitality facility including a server and a plurality of client terminals, instructions comprising: instructions for receiving, from a client terminal, a request for the location of a particular patron; instructions for retrieving, by the server, from an account corresponding to the particular patron, the location identifier for the particular patron; and instructions for sending a message based on the location identifier for the particular patron.

In rejecting claim 36, the Examiner asserts claim 36 repeats the elements of claims 1-16.<sup>22</sup> However Applicant disagrees, as claim 36 recites elements different from claim 1. Because the Office Action does not explain how Lans and Chaung render claims obvious, and because Lans teaches away from Chaung (see discussion above), Applicant requests reversal of the Examiner's rejection of claims 36-40 & 43-45.

*Discussion of Claims 41 & 42*

Claim 41 recites, "[t]he computer-readable medium of claim 36, further comprising: receiving from a client terminal a request for an address book; and sending the address book to the client terminal." The Examiner admits that Chaung does not teach use of address books. The Examiner asserts that "one of ordinary skill in the art would find these features to be an obvious variation of what Chaung teaches with the motivation of providing visitors with the

---

<sup>22</sup> See Final Office Action at page 6, paragraph 12.

ability of finding out the exact location, distance and direction of another member of the same group.”<sup>23</sup>

Chaung's system asserts that its needs no modification to determine location, distance, and direction within a park. Thus, the Examiner's reasoning is contrived and would not motivate one of ordinary skill to modify Lans and Chaung to use address books.

Claim 42 also recites use of an “address book”. Applicant submits claim 42 is patentable for the same reasons discussed vis-à-vis claim 41.

#### *Discussion of Claims 71-78*

Claim 71 recites:

A system for locating and communicating with a patron at a hospitality facility comprising:  
a plurality of client terminals, each client terminal including  
an input device for receiving a request for the location of a particular patron,  
and  
a first network interface for sending the request; and  
a server, connected to each of the plurality of client terminals, and including  
a second network interface for receiving the request,  
a controller for processing the request, and  
a database server for retrieving, from an account corresponding to the particular patron, a location identifier for the particular patron;  
wherein the second network interface sends a message based on the location identifier for the particular patron.

In rejecting claim 71, the Examiner asserts that claims 71-78 repeat the limitations of claims 1-16, and that claims 71-78 are rejected for the same reasons as claims 1-16.<sup>24</sup> However, claim 71 recites different elements than claims 1-16. Applicant submits that Lans and Chaung do not teach or suggest claim 71's client terminals and server. The system in claim 71 works in a fundamentally different way than Lans and Chaung. Claim 71 recites a system for locating a patron,

<sup>23</sup> Final Office Action at page 5, paragraph 10.

<sup>24</sup> Final Office Action at page 7, paragraph 15.

where the system's client receives a request for a location of a patron, and the system's server retrieves a location identifier from an account associated with the patron. Lans and Chaung do not determine location information by looking up location identifiers in patron accounts. Instead, each of Lans' portable stations uses GPS/GLONASS satellite signals to determine a location and then it broadcasts the location information over a broadcast channel. Although Lans' stations store location information received from other stations, the stations do not include patron accounts from which the location information is retrieved and transmitted to other stations. Thus, Lans does not teach or suggest claim 71's clients and server, and its use of patron accounts.

The only way for the combination to teach or suggest all the elements of claim 71 is for Chaung to provide what Lans is lacking. The Office Action does not identify a passage in Chaung that teaches or suggests claim 71's clients and server that use patron accounts to store location information. As such, Lans and Chaung do not teach or suggest all the elements of claim 71.

Claims 72-78 depend on claim 71. Thus, Applicant submits that claims 72-78 are patentable for same reasons claim 71 is patentable.

## **8. CONCLUSION**

Applicants respectfully submit that the claimed invention is patentable over the cited art. It is respectfully submitted that claims 1-16, 30-45, 54-57 and 71-78 should therefore be allowed. Reversal of the Examiner's rejections of claims 1-16, 30-45, 54-57 and 71-78 is respectfully requested.

---

**APPELLANT'S BRIEF ON APPEAL**

Serial Number: 09/689,842

Filing Date: Oct 13, 2000

Title: SYSTEM, METHOD, AND ARTICLE OF MANUFACTURE FOR LOCATING AND COMMUNICATING WITH A PATRON AT A HOSPITALITY FACILITY

Assignee: Oneida Indian Nation

---

**Page 15**

Dkt: 100.020US1

Respectfully submitted,

Arthur R. Halbritter, et al.

By their Representatives,

DeLizio Gilliam, PLLC

15201 Mason Road

Suite 1000-312

Cypress, TX 77433

281-758-0025

Date July 25, 2008 By /Andrew DeLizio, Reg # 52806/  
Andrew DeLizio  
Reg. No. 52,806

Date of Deposit: September 10, 2008

This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

---

**CLAIMS APPENDIX: THE CLAIMS ON APPEAL**

1. (Previously Amended) A method for locating a patron at a hospitality facility including a server and a plurality of client terminals, the method comprising:
  - receiving, from one of the plurality of client terminals, a patron identifier identifying a particular patron and a location identifier identifying a location in the hospitality facility;
  - storing, by the server, the location identifier in an account corresponding to the particular patron identified by the patron identifier;
  - receiving, from another of the plurality of client terminals, a request for the location of the particular patron;
  - retrieving, by the server, from the account corresponding to the particular patron, the location identifier for the particular patron; and
  - sending a message based on the location identifier for the particular patron.
2. (Original) The method of claim 1, wherein sending a message includes sending, to the client terminal, directions to a location corresponding to the location identifier for the particular patron.
3. (Original) The method of claim 1, wherein sending a message includes sending, to the client terminal, a map with directions to a location corresponding to the location identifier for the particular patron.
4. (Original) The method of claim 3, wherein sending a map includes deriving the map from a location identifier corresponding to the client terminal and the location identifier for the particular patron.

- 
5. (Previously Amended) The method of claim 1, wherein sending a message comprises sending the message to the particular patron.
  6. (Original) The method of claim 1, wherein sending a message comprises sending, to the particular patron, a message for a rendezvous.
  7. (Original) The method of claim 1, wherein sending a message comprises sending, to the particular patron, a status message indicating the status of an offline game.
  8. (Original) The method of claim 1, wherein sending a message comprising sending, to the particular patron, a promotional message.
  9. (Original) The method of claim 1, further comprising:  
receiving from a client terminal a request for an address book; and  
sending the address book to the client terminal.
  10. (Original) The method of claim 9, wherein receiving a request for the location of a particular patron comprises receiving a selection of the particular patron from the address book.
  11. (Original) The method of claim 1, wherein sending a message comprises sending an e-mail message.
  12. (Original) The method of claim 1, wherein sending a message comprises sending an instant message.
  13. (Original) The method of claim 1, wherein sending a message comprises sending a broadcast message to the plurality of client terminals.
  14. (Original) The method of claim 13, wherein sending a broadcast message includes sending a missing patron message to the plurality of client terminals.

15. (Original) The method of claim 13, wherein sending a broadcast message comprises sending a promotional message to the plurality of client terminals.

16. (Original) The method of claim 13, wherein sending a broadcast message comprises sending a notification message to the plurality of client terminals.

17 - 29. (Cancelled)

30. (Previously Amended) A method of identifying the location of patrons at a hospitality facility including a server and a plurality of client terminals, comprising:

requesting, by a client terminal, a list of patrons at the hospitality facility;

receiving, from the server, the list of patrons;

displaying the list of patrons;

receiving, from the client terminal, a selection indicating at least one patron from the list of patrons;

requesting, from the server, location information for the at least one patron, wherein the location information is stored, by the server, in an account associated with the at least one patron; and

receiving, from the server, location information for the at least one patron.

31. (Original) The method of claim 30, wherein receiving location information for the at least one patron includes receiving textual directions to the location of the at least one patron.

32. (Original) The method of claim 30, wherein receiving location information for the at least one patron includes receiving a map with directions to the location of the at least one patron.

33. (Original) The method of claim 30, wherein receiving location information for the at least one patron includes receiving the last known location of the at least one patron.

34. (Original) The method of claim 30, wherein receiving a selection from a client terminal comprises receiving a selection from a patron at the hospitality facility.

35. (Original) The method of claim 30, wherein receiving a selection from a client terminal comprises receiving a selection from a person affiliated with a hospitality facility.

36. (Previously Presented) A computer-readable medium containing instructions for causing a computer to perform operations for locating a patron at a hospitality facility including a server and a plurality of client terminals, instructions comprising:

instructions for receiving, from a client terminal, a request for the location of a particular patron;

instructions for retrieving, by the server, from an account corresponding to the particular patron, the location identifier for the particular patron; and

instructions for sending a message based on the location identifier for the particular patron.

37. (Previously Amended) The computer-readable medium of 36, wherein the instructions for sending a message include instructions for sending, to the client terminal, directions to a location corresponding to the location identifier for the particular patron.

38. (Previously Amended) The computer-readable medium of claim 36, wherein the instructions for sending a message include instructions for sending, to the client terminal, a map with directions to a location corresponding to the location identifier for the particular patron.

39. (Previously Amended) The computer-readable medium of claim 38, wherein the instructions for sending a map include instructions for deriving the map from a location identifier corresponding to the client terminal and the location identifier for the particular patron.

---

40. (Previously Amended) The computer-readable medium of claim 36, wherein the instructions for sending a message comprises sending, to the particular patron, a message

41. (Previously Amended) The computer-readable medium of claim 36, further comprising:

receiving from a client terminal a request for an address book; and  
sending the address book to the client terminal.

42. (Previously Amended) The computer-readable medium of claim 41, wherein the instructions for receiving a request for the location of a particular patron comprise instructions for receiving a selection of the particular patron from the address book.

43. (Previously Amended) The computer-readable medium of claim 36, wherein the instructions for sending a message comprise instructions for sending an e-mail message.

44. (Previously Amended) The computer-readable medium of claim 36, wherein the instructions for sending a message comprise instructions for sending an instant message.

45. (Previously Amended) The computer-readable medium of claim 36, wherein the instructions for sending a message comprise instructions for sending a broadcast message to the plurality of client terminals.

46-53. (Cancelled)

54. (Previously Amended) A computer-readable medium containing instructions for causing a computer to perform a method of identifying the location of patrons at a hospitality facility including a server and a plurality of client terminals, the instructions comprising:  
instructions for requesting, by a client terminal, a list of patrons at the hospitality facility;  
instructions for receiving, from the server, the list of patrons;

---

instructions for displaying the list of patrons;  
instructions for receiving, from the client terminal, a selection indicating at least one patron from the list of patrons;  
instructions for requesting, from the server, location information for the at least one patron, wherein the location information is stored, by the server, in an account associated with the at least one patron; and  
instructions for receiving, from the server, location information for the at least one patron.

55. (Previously Amended) The computer-readable medium of claim 54, wherein the instructions for receiving location information for the at least one patron include instructions for receiving textual directions to the location of the at least one patron.

56. (Previously Amended) The computer-readable medium of claim 54, wherein the instructions for receiving location information for the at least one patron include instructions for receiving a map with directions to the location of the at least one patron.

57. (Previously Amended) The computer-readable medium of claim 54, wherein the instructions for receiving location information for the at least one patron include instructions for receiving the last known location of the at least one patron.

58 - 70. (Cancelled)

71. (Original) A system for locating and communicating with a patron at a hospitality facility comprising:

a plurality of client terminals, each client terminal including  
an input device for receiving a request for the location of a particular patron, and  
a first network interface for sending the request; and

---

a server, connected to each of the plurality of client terminals, and including

- a second network interface for receiving the request,
- a controller for processing the request, and
- a database server for retrieving, from an account corresponding to the particular patron, a location identifier for the particular patron;

wherein the second network interface sends a message based on the location identifier for the particular patron.

72. (Previously Amended) The system of claim 71, wherein the plurality of client terminals further comprise a receiving device for receiving a patron identifier identifying a patron and a location identifier identifying a location in the hospitality facility and wherein the first network interface sends the patron identifier and the location identifier to the server.

73. (Original) The system of claim 72, wherein the second network interface receives the patron identifier and the location identifier, and the database server stores the location identifier in an account corresponding to the patron identified by the patron identifier.

74. (Original) The system of claim 71, wherein the message includes directions to a location corresponding to the location identifier for the particular patron.

75. (Original) The system of claim 71, wherein the message includes a map with directions to a location corresponding to the location identifier for the particular patron.

76. (Original) The system of claim 75, wherein the map is derived from a location identifier of the one of the plurality of client terminals and the location identifier of the particular patron, and an internal mapping of the hospitality facility.

77. (Original) The system of claim 71, wherein the message is a request to send a message to a particular patron at the hospitality facility.

**APPELLANT'S BRIEF ON APPEAL**

Serial Number: 09/689,842

Filing Date: Oct 13, 2000

Title: SYSTEM, METHOD, AND ARTICLE OF MANUFACTURE FOR LOCATING AND COMMUNICATING WITH A PATRON AT A HOSPITALITY FACILITY

Assignee: Oneida Indian Nation

---

**Page 23**

Dkt: 100.020US1

78. (Original) The system of claim 71, wherein the message is a broadcast message to the plurality of client terminals.

**APPELLANT'S BRIEF ON APPEAL**

Serial Number: 09/689,842

Filing Date: Oct 13, 2000

Title: SYSTEM, METHOD, AND ARTICLE OF MANUFACTURE FOR LOCATING AND COMMUNICATING WITH A PATRON AT A HOSPITALITY FACILITY

Assignee: Oneida Indian Nation

---

**Page 24**

Dkt: 100.020US1

**EVIDENCE APPENDIX**

NONE

**APPELLANT'S BRIEF ON APPEAL**

Serial Number: 09/689,842

Filing Date: Oct 13, 2000

Title: SYSTEM, METHOD, AND ARTICLE OF MANUFACTURE FOR LOCATING AND COMMUNICATING WITH A PATRON AT A  
HOSPITALITY FACILITY

Assignee: Oneida Indian Nation

---

**Page 25**

Dkt: 100.020US1

**RELATED PROCEEDINGS APPENDIX**

NONE